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OFFICE OF PETITIONS

In re Application :
Hui, et al. :
Application No. 10/667,931 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: September 22, 2003 :
Dkt. No.: N0469.70022US02 :

This is in response to the application for patent term adjustment pursuant to 37 CFR 1.705(b) filed October 13, 2011.

The request for reconsideration of patent term adjustment is **GRANTED**.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 93 days, not 168 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment mailed August 29, 2011. Applicants assert that the patent term adjustment is subject to an additional reduction of 75 days in connection with supplemental replies filed February 22, 2010, August 15, 2011, and August 24, 2011.

The arguments presented have been carefully reviewed and found convincing. In view thereof, as of the time of allowance, the application is entitled to a patent term adjustment of 93 days, as argued.

The \$200.00 patent term adjustment application required per 37 CFR 1.18(e) has been charged to the authorized deposit account.

It is noted that the Office issued a Notice of proposed rulemaking entitled *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review and Information Disclosure Statements*, 76 FR 18990 (April 6, 2011). To the extent that the final rule on *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review* changes this decision, Patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the **effective or published** date of the final rule to file a request for reconsideration. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

The Adjusted PAIR Calculation can be assessed via public and/or private PAIR.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



Patent Term Adjustments



PTA/PTE Information

Application Number*: 10667931

Search

Explanation of PTA Calculation

Explanation of PTE Calculation

PTA Calculations for Application: 10667931



| | | | |
|-------------------------|------------|-------------------------------------------------|-----|
| Application Filing Date | 09/22/2003 | Overlapping Days Between (A and B) or (A and C) | 0 |
| Issue Date of Patent | | Non-Overlapping USPTO Delays: | 697 |
| A Delays | 697 | PTO Manual Adjustment: | -75 |
| B Delays | 0 | Applicant Delay (APPL) | 529 |
| C Delays | 0 | Total PTA (days) | 93 |

* - Sorted Column

File Contents History



| Action Number | Action Recorded Date | Action Due Date | Action Code | Action Description | Duration PTO | Duration APPL | Parent Action Number |
|---------------|----------------------|-----------------|-------------|---------------------------------------------------------------|--------------|---------------|----------------------|
| 143 | 11/19/2011 | | P028 | Adjustment of PTA Calculation by PTO | 9 | 0 | |
| 142 | 11/19/2011 | | P028 | Adjustment of PTA Calculation by PTO | 60 | 0 | |
| 141 | 11/19/2011 | | P028 | Adjustment of PTA Calculation by PTO | 6 | 0 | |
| 129 | 08/29/2011 | | MN/= | Mail Notice of Allowance | | 0 | |
| 128 | 08/26/2011 | | OAR | Office Action Review | | 0 | |
| 127 | 08/26/2011 | | OAR | Office Action Review | | 0 | |
| 126 | 08/26/2011 | | OAR | Office Action Review | | 0 | |
| 125 | 08/26/2011 | | OAR | Office Action Review | | 0 | |
| 124 | 08/26/2011 | | OAR | Office Action Review | | 0 | |
| 123 | 08/26/2011 | | IREV | Issue Revision Completed | | 0 | |
| 122 | 08/25/2011 | | OAR | Office Action Review | | 0 | |
| 121 | 08/25/2011 | | OAR | Office Action Review | | 0 | |
| 120 | 08/25/2011 | | OAR | Office Action Review | | 0 | |
| 119 | 08/25/2011 | | OAR | Office Action Review | | 0 | |
| 118 | 08/25/2011 | | OAR | Office Action Review | | 0 | |
| 117 | 08/24/2011 | | IDSC | Information Disclosure Statement considered | | 0 | |
| 116 | 08/24/2011 | | WIDS | Information Disclosure Statement (IDS) Filed | | 0 | |
| 110 | 08/24/2011 | | ACRE | Allowed Case Returned to the Examiner for Clerical Processing | | 0 | |
| 109 | 08/24/2011 | | DVER | Document Verification | | 0 | |
| 108 | 08/24/2011 | | N/= | Notice of Allowance Data Verification Completed | | 0 | |
| 115 | 08/16/2011 | | OAR | Office Action Review | | 0 | |
| 114 | 08/16/2011 | | OAR | Office Action Review | | 0 | |
| 113 | 08/16/2011 | | OAR | Office Action Review | | 0 | |
| 112 | 08/16/2011 | | OAR | Office Action Review | | 0 | |
| 111 | 08/16/2011 | | OAR | Office Action Review | | 0 | |
| 107 | 08/16/2011 | | EX.R | Reasons for Allowance | | 0 | |
| 106 | 08/16/2011 | | EX.A | Examiner's Amendment Communication | | 0 | |
| 105 | 08/16/2011 | | CTRT | Telephonic restriction | | 0 | |
| 104 | 08/16/2011 | | EXIE | Interview Summary - Examiner Initiated | | 0 | |
| 103 | 08/16/2011 | | CNTA | Allowability Notice | | 0 | |
| 97 | 08/15/2011 | | IDSC | Information Disclosure Statement considered | | 0 | |
| 94 | 08/15/2011 | | WIDS | Information Disclosure Statement (IDS) Filed | | 0 | |
| 92 | 06/23/2011 | | FWDX | Date Forwarded to Examiner | | 0 | |
| 91 | 06/16/2011 | 03/16/2011 | A... | Response after Non-Final Action | 92 | 89 | |
| 90 | 06/16/2011 | | XT/G | Request for Extension of Time - Granted | | 0 | |
| 89 | 12/16/2010 | | MCTNF | Mail Non-Final Rejection | | 0 | |
| 88 | 12/15/2010 | | CTNF | Non-Final Rejection | | 0 | |
| 86 | 10/20/2010 | | FWDX | Date Forwarded to Examiner | | 0 | |
| 85 | 10/18/2010 | 07/16/2010 | A... | Response after Non-Final Action | 94 | 82 | |
| 84 | 10/18/2010 | | AF/D | Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received | | 0 | |
| 83 | 10/18/2010 | | XT/G | Request for Extension of Time - Granted | | 0 | |
| 82 | 04/16/2010 | | MCTNF | Mail Non-Final Rejection | | 0 | |
| 81 | 04/16/2010 | | CTNF | Non-Final Rejection | | 0 | |
| 80 | 02/22/2010 | | RCAP | Reference capture on IDS | | 0 | |
| 79 | 02/22/2010 | | M844 | Information Disclosure Statement (IDS) Filed | | 0 | |
| 78 | 02/22/2010 | | IDSC | Information Disclosure Statement considered | | 0 | |
| 76 | 02/22/2010 | | WIDS | Information Disclosure Statement (IDS) Filed | | 0 | |
| 75 | 02/18/2010 | | FWDX | Date Forwarded to Examiner | | 0 | |
| 72 | 02/18/2010 | | ABN9 | Disposal for a RCE / CPA / R129 | | 0 | |
| 74 | 02/16/2010 | | AMSB | Amendment Submitted/Entered with Filing of CPA/RCE | | 0 | |
| 73 | 02/16/2010 | 11/13/2009 | RCEX | Request for Continued Examination (RCE) | 95 | 69 | |
| 71 | 02/16/2010 | | XT/G | Request for Extension of Time - Granted | | 0 | |
| 70 | 02/16/2010 | | BRCE | Workflow - Request for RCE - Begin | | 0 | |
| 69 | 08/13/2009 | | MCTFR | Mail Final Rejection (PTOL - 326) | | 0 | |
| 68 | 08/12/2009 | | CTFR | Final Rejection | | 0 | |
| 63 | 06/05/2009 | | FWDX | Date Forwarded to Examiner | | 0 | |
| 62 | 04/30/2009 | 02/04/2009 | A... | Response after Non-Final Action | 85 | 60 | |
| 61 | 04/30/2009 | | XT/G | Request for Extension of Time - Granted | | 0 | |
| 60 | 11/04/2008 | | MCTNF | Mail Non-Final Rejection | | 0 | |
| 59 | 11/03/2008 | | CTNF | Non-Final Rejection | | 0 | |
| 52 | 10/15/2008 | | DOCK | Case Docketed to Examiner in GAU | | 0 | |
| 51 | 10/08/2008 | | FWDX | Date Forwarded to Examiner | | 0 | |
| 49 | 10/08/2008 | | FWDX | Date Forwarded to Examiner | | 0 | |
| 47 | 10/08/2008 | | ABN9 | Disposal for a RCE / CPA / R129 | | 0 | |
| 50 | 09/11/2008 | | AMSB | Amendment Submitted/Entered with Filing of CPA/RCE | | 0 | |
| 48 | 09/11/2008 | 06/11/2008 | RCEX | Request for Continued Examination (RCE) | 92 | 43 | |
| 46 | 09/11/2008 | | XT/G | Request for Extension of Time - Granted | | 0 | |
| 45 | 09/11/2008 | | BRCE | Workflow - Request for RCE - Begin | | 0 | |
| 44 | 04/14/2008 | | DOCK | Case Docketed to Examiner in GAU | | 0 | |
| 43 | 02/14/2008 | | MCTFR | Mail Final Rejection (PTOL - 326) | | 0 | |

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|------|------------|---------|----------------------------------------------|-----|-----|
| 39 | 02/12/2008 | C.ADB | Correspondence Address Change | | 0 |
| 38 | 01/08/2008 | DOCK | Case Docketed to Examiner in GAU | | 0 |
| 37 | 12/22/2007 | FWDX | Date Forwarded to Examiner | | 0 |
| 36 | 11/21/2007 | A... | Response after Non-Final Action | | 0 |
| 35 | 10/03/2007 | MCTNF | Mail Non-Final Rejection | | 0 |
| 34 | 09/19/2007 | CTNF | Non-Final Rejection | | 0 |
| 33 | 07/14/2007 | FWDX | Date Forwarded to Examiner | | 0 |
| 32 | 07/11/2007 | A... | Response after Non-Final Action | 57 | 30 |
| 31 | 07/11/2007 | XT/G | Request for Extension of Time - Granted | | 0 |
| 30 | 02/15/2007 | MCTNF | Mail Non-Final Rejection | | 0 |
| 29 | 02/05/2007 | CTNF | Non-Final Rejection | | 0 |
| 27 | 12/04/2006 | IDSC | Information Disclosure Statement considered | | 0 |
| 26 | 12/04/2006 | RCAP | Reference capture on IDS | | 0 |
| 25.7 | 12/04/2006 | M844 | Information Disclosure Statement (IDS) Filed | 14 | 23 |
| 25 | 12/04/2006 | WIDS | Information Disclosure Statement (IDS) Filed | | 0 |
| 24 | 11/23/2006 | FWDX | Date Forwarded to Examiner | | 0 |
| 23 | 11/20/2006 | ELC. | Response to Election / Restriction Filed | | 0 |
| 22 | 10/20/2006 | MCTRS | Mail Restriction Requirement | 697 | 0.5 |
| 21 | 10/16/2006 | CTRS | Restriction/Election Requirement | | 0 |
| 20 | 08/21/2006 | DOCK | Case Docketed to Examiner in GAU | | 0 |
| 17 | 09/28/2004 | C.ADB | Correspondence Address Change | | 0 |
| 16.7 | 07/14/2004 | M844 | Information Disclosure Statement (IDS) Filed | | 0 |
| 16 | 07/14/2004 | WIDS | Information Disclosure Statement (IDS) Filed | | 0 |
| 28 | 06/30/2004 | IDSC | Information Disclosure Statement considered | | 0 |
| 19 | 06/30/2004 | RCAP | Reference capture on IDS | | 0 |
| 18.7 | 06/30/2004 | M844 | Information Disclosure Statement (IDS) Filed | | 0 |
| 18 | 06/30/2004 | WIDS | Information Disclosure Statement (IDS) Filed | | 0 |
| 15 | 05/05/2004 | TSSCOMP | IFW TSS Processing by Tech Center Complete | | 0 |
| 14 | 05/05/2004 | DOCK | Case Docketed to Examiner in GAU | | 0 |
| 10 | 12/16/2003 | WROIPE | Application Return from OIPE | | 0 |
| 9 | 12/16/2003 | COMP | Application Is Now Complete | | 0 |
| 8 | 12/16/2003 | W/OA | Pre-Exam Office Action Withdrawn | | 0 |
| 7 | 12/16/2003 | ROIPE | Application Return TO OIPE | | 0 |
| 6 | 12/16/2003 | OIPE | Application Dispatched from OIPE | | 0 |
| 5 | 12/16/2003 | COMP | Application Is Now Complete | | 0 |
| 4 | 12/03/2003 | CLSS | CASE CLASSIFIED BY OIPE | | 0 |
| 3 | 12/03/2003 | L194 | Cleared by OIPE CSR | | 0 |
| 13 | 11/20/2003 | RCAP | Reference capture on IDS | | 0 |
| 12.7 | 11/20/2003 | M844 | Information Disclosure Statement (IDS) Filed | | 0 |
| 12 | 11/20/2003 | WIDS | Information Disclosure Statement (IDS) Filed | | 0 |
| 2 | 10/31/2003 | SCAN | IFW Scan & PACR Auto Security Review | | 0 |
| 11 | 10/15/2003 | A.PE | Preliminary Amendment | | 0 |
| 1 | 09/22/2003 | IEXX | Initial Exam Team nn | | 0 |
| 0.5 | 09/22/2003 | EFILE | Filing date | | 0 |

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